CITY OF NEW ORLEANS CHIEF ADMINISTRATIVE OFFICE

POLICY MEMORANDUM NO. 112

September 10, 2007

TO: All Departments, Boards, Agencies, and Commissions

FROM: Brenda G. Hatfield, Ph.D., Chief Administrative Officer

SUBJECT: EMERGENCY LEAVE AND PAY POLICIES

I. PURPOSE.

The purpose of this memorandum is to provide standards for all Departments, Boards, Agencies and Commissions of City Government to follow in regard to Emergency Pay and Emergency Leave as well as other unforeseen non-emergency circumstances that necessitate an emergency closure of City Operations.

II. ELIGIBILITY.

This policy applies to all Classified and Unclassified employees.

III. DEFINITIONS.

Official Emergency: This occurs when the Mayor of New Orleans declares that the City is in an official state of emergency due to inclement weather or other situations which threaten physical harm, safety, immediate property damage and/or structural harm.

Essential Employees: Employees who by virtue of their presence, specialized function or necessary skills, are essential to conducting the business or certain operational needs of the City and are, therefore, required to report for duty. Whenever possible, the Department Directors will notify employees of essential designation and report for duty requirements in advance. Designation of essential employee status may vary depending on the circumstance.

Departments should submit a list of essential personnel and contact information to the Chief Administrative Office of Emergency Preparedness.

Non-essential Employees: Employees who are not required to report for duty during an emergency declaration.

Volunteer Employees: Employees who are not required to report for duty during an emergency declaration, but who voluntarily report or remain at work in the preparation of an emergency.

Grant Funded Employee: Employees whose salaries and benefits are funded through a federal and/or state grant(s) and by the scope of the respective grant are required and pre-determined as essential to report to remain at work in the declaration of an emergency.

Leave Day: For employees whose work is thirty-five (35) hours, the leave day is seven (7) hours; For employees who work week is forty (40) hours, the leave day is eight (8) hours; For non-exempt law enforcement, the leave day is eight (8) hours and thirty-three minutes; For fire employees on a "twenty-four (24) hours on- forty-eight (48) hours off" work schedule, the leave day is twelve (12) hours.

IV. GENERAL PROVISIONS

A. OFFICIAL DECLARATION OF EMERGENCY:

The Mayor of the City of New Orleans makes the official declaration of a "State of Emergency" and issues an official Mayoral Proclamation identifying the effective date and cause of the emergency. The emergency period begins at this point and communication will be sent by the Chief Administrative Officer notifying all Departments, Boards, Agencies, and Commissions to begin necessary preparations. Employee eligibility for emergency leave and pay does not start until a notice is sent from the Chief Administrative Office that only essential employees report to work and non-essential employees remain home in accordance with Civil Service Rule IV, Section 11.1. Only those employees that have been pre-determined and assigned to work as essential by their respective department head will be eligible for emergency pay.

Employee eligibility for emergency leave and pay will end when the Mayor announces that the state of emergency has ended or an announcement is made that City offices are open for business and employees are to report to work, whichever comes first. The Chief Administrative Officer will issue this announcement to all Departments, Boards, Agencies and Commissions. Only those employees that have been pre-determined and assigned to work as essential by their respective Department Head will be eligible for emergency pay.

Volunteers and Grant funded employees which have pre-determined and designated as essential employees in an emergency will be paid in accordance with the pay structure and eligibility requirements established by this policy. Volunteers' emergency pay will be discontinued as they are released by their respective Department Head.

B. PAY POLICY FOR ESSENTIAL EMPLOYEES:

In accordance with Civil Service Rule IV, Section 11.1, when it becomes necessary for an employee to work on any day when the Mayor has

declared an official emergency and closed all other non-essential operations, then the employee will be subject to the following:

- 1. Essential employees (non-exempt) who report to work, the appointing authority should adjust the employee's work schedule to allow another day(s) off during the work period as a substitution. If such a substitution is not possible, then for working such time the employee shall be paid at a rate of one and one-half (1½) times their rate for actual hours worked.
- 2. Essential employees (exempt) are eligible for emergency pay of (1½) times their normal rate base upon their salary not an hourly rate.
- 3. Essential employees who do not report to work may be subject to disciplinary action in accordance with Civil Service Rules unless failure to report as scheduled is for an approved and valid reason (e.g. family emergency). In such cases, an essential employee who does not report to work as required may be allowed by the appointing authority to charge sick and annual leave as appropriate.
- 4. Essential employees who are on an approved scheduled leave of absence prior to the emergency may continue as such unless otherwise directed by the appointing authority.
- 5. During a declared emergency and subsequent closure of all non-essential City operations, an employee may be required to work extra shifts and/or make changes to the normal work schedule. Pursuant to Civil Service Rule IV, Section 1.6(d) the payment of shift differential shall apply for only those hours that the employee works on the designated shift.

C. PAY POLICY FOR NON ESSENTIAL EMPLOYEES:

In accordance with Rule VIII, Section 11.1, when it becomes necessary for non-essential employees to remain away from work on any day when the Mayor has declared an official emergency and results in the closure of City operations, that employee will be subject to the following conditions.

- 1. When the non-essential employees who are scheduled to work are released from duty due to an emergency, the appointing authority should adjust the employee's work schedule to allow the employee to make up the hours missed from work. If that is not possible, the remaining hours the employee was scheduled to work will be paid in accordance with the definition of a "leave" day.
- 2. Non-essential employees who have a change in work schedule, such as a late opening or a release from work early, because

of an emergency in the closure of City offices may be assigned an alternate work schedule to make up missed hours or if that is not possible, the employee must be paid for hours worked and the remainder of the hours the employee was scheduled to work that day.

- 3. Non-essential employees who call in to report their intention to not report to work prior to an emergency closure of City operations will be required to use accrued annual leave or such leave as deemed appropriate.
- 4. Non-essential employees who have pre-scheduled leave arrangements on the day of emergency closure of City operations will be required to use their accrued leave throughout the scheduled leave and will not be eligible for emergency leave while on scheduled annual or sick leave.
- 5. Non-essential employees who normally work a compressed work week will be placed on a regular work schedule if an emergency closure of City operations occurs. In accordance with the definition of a leave day, and employee cannot charge more than seven (7) hours, eight (8) hours, eight (8) hours and thirty-three (33) minutes or twelve (12) hours in their assigned work week.

D. FEDERAL EMERGENCY MANAGEMENT REPORTING REQUIREMENTS:

Because certain costs related to some emergencies may be reimbursed to the City by this agency, essential employees who are called back to duty or assigned work beyond their regular schedule should document their time for possible reimbursement. Careful attention should be paid to completing the time record in accordance with Federal Emergency Management Agency (FEMA) regulations.

E. NON-EMERGENCY DEPARTMENTAL CLOSURES:

Employees who report to work to find that regularly scheduled work is not available due to an unforeseen circumstance (e.g. fire, plumbing or electrical problems) within their respective department will be subject to the following:

- 1. The Appointing Authority may give an alternative work assignment or have missed hours rescheduled.
- 2. The Appointing Authority may also release an employee from duty and if the employee is in non-exempt status, the employee will be paid for any scheduled hours he/she was unable to work due to the closure of its operations.

F. EMERGENCY CLOSURE ANNOUNCEMENT AND COMMUNICATION:

- 1. Announcement will be made on major television and radio stations regarding the closing of certain City operations.
- 2. The Chief Administrative Office will designate the business day hours that City operations will remain closed.
- 3. The Chief Administrative Office will contact all Department Directors of an "Emergency Closure" of City operations' order.
- 4. Department Directors should notify the Chief Administrative Officer of any non-emergency departmental operation closures.

V. INQUIRIES.

Questions concerning this memorandum may be addressed to the Chief Administrative Office at 658-8630.

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